

W. WEST ALLEN
Nevada Bar. No. 5566
CONNOR J. BODIN
Nevada Bar No. 16205
HOWARD & HOWARD ATTORNEYS PLLC
3800 Howard Hughes Parkway, Suite 1000
Las Vegas, Nevada 89169
Telephone: (702) 257-1483
Facsimile: (702) 567-1568
wwa@h2law.com ; cjb@h2law.com

*Counsel for Defendant DUBOIS CHEMICALS, Inc.
a Delaware Corporation.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MI-94, LLC, a Nevada limited liability company,
also known as METALAST INTERNATIONAL
LLC, a Nevada limited liability company,
Plaintiff,

vs.

CHEMETALL US, INC., a Delaware corporation; BASF CORPORATION, a Delaware corporation; QUALICHEM INC., a Virginia corporation; DUBOIS CHEMICALS, INC., a Delaware corporation; MILES CHEMICAL COMPANY, a California corporation; JOHN SCHNEIDER AND ASSOCIATES, INC., a Wisconsin corporation; BROCO PRODUCTS, INC., an Ohio corporation; RONATEC C2C, a California corporation; ELECTROPLATING CONSULTANTS INTERNATIONAL, an Oklahoma corporation; ALBEMARLE CORPORATION, a Nevada corporation; SOUTHERN INDUSTRIAL CHEMICALS, INC, an Alabama corporation; Dean Meiling, and individual, Madylon Meiling, an individual; DSM Partners, LLC, a Nevada entity; CHEMEON SURFACE TECHNOLOGY, a Nevada entity; and DOES 1-10, inclusive.

Defendants.

Case No. 2:23-cv-00647

**STIPULATION AND ORDER TO
EXTEND TIME FOR DEFENDANT
DUBOIS CHEMICALS, INC. TO
ANSWER OR OTHERWISE RESPOND
TO AMENDED COMPLAINT**

(First Request)

1 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and District of Nevada Local
 2 Rule IA 6-1, Plaintiff MI-94, LLC (“Plaintiff” or “MI-94”) and Defendant DuBois Chemical, Inc.
 3 (“Defendant” or “DuBois”), through counsel, hereby agree and stipulate, as follows:

4 1. MI-94 filed their Complaint (the “Complaint”) on April 4, 2023.
 5 2. MI-94 served the Summons and Complaint on DuBois on June 14, 2023.
 6 3. MI-94 filed their Amended Complaint (the “Amended Complaint”) on July 24,
 7 2023.

8 4. Pursuant to Rule 15(a)(3) of the Federal Rules of Civil Procedure, Defendant’s
 9 response to the Amended Complaint must be made within the time remaining to respond to the
 10 original Complaint or within 14 days after service of the amended pleading, whichever is later.
 11 Defendant and Plaintiff previously have stipulated to an extension for Defendant to answer or
 12 otherwise respond to the original Complaint by August 14, which stipulation was granted on July
 13 18, 2023. [ECF No. 55].

14 5. Defendant and Plaintiff now stipulate to a 30-day extension of time to file and
 15 serve an answer or otherwise respond to the new Amended Complaint, until September 13, 2023.
 16 Based on the latest discussion between counsel for the undersigned, it is anticipated that a
 17 dismissal with prejudice will be filed as to Dubois Chemical, Inc. before this date.

18 6. This stipulated extension is requested to allow the parties to review and consider
 19 the Settlement Agreement previously entered into by DuBois Chemicals, Inc. with David M.
 20 Semas and Metalast, Inc. in the prior U.S. District Court District of Nevada related action titled
21 David M. Semas, et al. v. Chemetall US, Inc. et al., Case No. 3:19-cv-00125-MMD-CBC, on or
 22 about March 3, 2020, and the effect this Settlement Agreement now has on the *Amended*
 23 Complaint. DuBois resolved all legal issues with Plaintiffs Semas and Metalast, Inc. in the prior
 24 action and those parties are apparently affiliated with Plaintiff MI-94, LLC in this current action.
 25 DuBois believes that the current MI-94, LLC claims concern the same or similar legal issues that
 26 already have been resolved through the prior *Semas* litigation and Settlement Agreement.
 27 Additional time is requested, therefore, so that the parties might meet and confer regarding this
 28 potentially case dispositive issue as to the new Amended Complaint.

1 7. This is the first stipulation to extend the date for Defendant to answer or otherwise
2 respond to the Amended Complaint.

3 **IT IS SO AGREED AND STIPULATED:**

4 HOWARD & HOWARD ATTORNEYS PLLC

5 EARLY SULLIVAN WRIGHT GIZER &
6 McRAE LLP

7 By: /s/ W. West Allen

8 W. West Allen
9 Nevada Bar. No. 5566
10 3800 Howard Hughes Parkway, Suite 1000
11 Las Vegas, Nevada 89169
12 Telephone: (702) 257-1483
13 Facsimile: (702) 567-1568
14 wwa@h2law.com

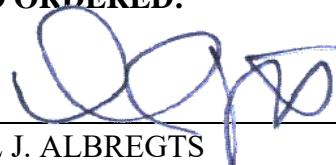
15 *Attorneys for Defendant*
16 DuBois Chemicals, Inc.

17 By: /s/ Jeremy J.F. Gray

18 Jeremy J.F. Gray
19 Scott E. Gizer, Esq.
20 Nevada Bar No. 12216
21 sgizer@earlysullivan.com
22 8716 Spanish Ridge Avenue, Suite 105
23 Las Vegas, Nevada 89148
24 Telephone: (702) 331-7593
25 Facsimile: (702) 331-1652

26 *Attorneys for Plaintiff*
27 MI-94, LLC, also known as
28 METALAST INTERNATIONAL LLC

15 **IT IS SO ORDERED:**



16 DANIEL J. ALBREGTS
17 UNITED STATES MAGISTRATE JUDGE

18 DATE: August 15, 2023